

**Appln No. 09/831,726**

**Amdt date October 14, 2005**

**Reply to Office action of August 5, 2005**

the grounds that it is directed to the wrong application document.

As noted above, the March 18, 2005 Decision Merging Application Files, merged the documents in U.S. application number 09/831,726, filed by the Rabin firm and U.S. application number 09/980,273 filed by the CPH firm. The Decision went on to indicate that application 09/980,273 would be placed in inactive status and, therefore, all future correspondence should be directed to the subject application, namely, number 09/831,726. Therefore, the papers filed in both applications are merged into the '726 application.

The International Application PCT/FR00/01350 as published under WO 00/72553, contained 4 figures, 13 pages of specification and 13 claims. The U.S. national stage of the '1350 application was entered by Express Mail on November 19, 2001.

The undersigned attorney for CPH, by Express Mail on November 19, 2001, submitted a second request to enter the U.S. national stage of the '1350 application accompanied by an English translation of the French language '1350 International application. The English translation has 14 pages of specification, 13 claims and a copy of the four figures 1-4 of the '1350 application. Along with the English translation the undersigned also provided a document bearing a cover sheet titled ENGLISH TRANSLATION OF INTERNATIONAL APPLICATION WITH ANNEXES TO THE IPER INCORPORATED (PCT/FR00/01350), which incorporated English language amended claims from the IPER into

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the English translation of the '1350 International application. Along with the November 2001 submission is a Preliminary Amendment dated November 19, 2001 amending claim 7. Accordingly 13 claims, with an amended claim 7, now stand in this application. This English document is the U.S. application that is to be properly Examined.

The International application even as amended never contained 21 claims and therefore the official Office action directed to 21 claims is directed to the wrong set of claims and application.

The source of the erroneous 21 claims is as follows. The claims to which the official Office action was directed is apparently an English document that was filed with a certified copy of a document dated April 30, 2001 from the INSTITUTE NATIONAL DE LA PROPRIETE INDUSTRIELLE (INPI) containing a PCT request cover sheet identifying PCT/FR00/01350. This document is in the May 15, 2001 submission by the Rabin firm. The English language document has in the upper right hand corner the identification INRIA46.USD and is titled "Mobile telephony device and process enabling access to a context sensitive service using the position and/or identity of the user." This document has 18 pages of specification, 21 claims and an English language summary bearing the same title which is different from the application papers filed by CPH. It is believed that the document with the 21 claims is the document that the Examiner examined. However, this is not the correct application for examination because it has a different title, more pages, more

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claims, and a different abstract from the correct English translation of the '01350 application filed by CPH on November 19, 2001.

Accordingly, it is requested that a new Office action be issued directed to the correct English language specification, and amended claims and drawings for the '01350 International Application submitted on November 19, 2001.

The Examiner's attention is called to a mailing problem that occurred with the November 19, 2001 submission. The document entitled REQUEST FOR ALTERNATE FILING DUE TO THE UNITED STATES POSTAL SERVICE INTERRUPTIONS RELATING TO EXPRESS MAIL SERVICE was filed by mail on November 20, 2001 requesting the November 19, 2001 filing date because the November 19, 2001 Express Mail package filing was returned also due to a postal service interruption.

Also, Applicant filed an IDS along with the November 19, 2001 submission. Enclosed is a copy of the November 19, 2001 IDS along with the PTO listing of references. It is requested that the Examiner acknowledge receipt of the IDS by initialing and returning the document to the undersigned.

In view of the foregoing, the following documents should be disregarded:

Certified Copy from the French INPI Institute document dated April 30, 2001;

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The English Language document with 22 pages of specification, 21 claims, 2 figures and 1 page summary bearing the designation INRIA46;

The Preliminary Amendment dated May 15, 2001 amending claim 18.

Early examination and allowance of the 13 claims now in this application are requested.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

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DBP/frs

Enclosure

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